

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER TAKING JUDICIAL NOTICE OF THE APPOINTMENT
OF NEXT FRIENDS AND ORDERING PARALLEL RELIEF
WITH THE GENESEE COUNTY CIRCUIT COURT [1365]**

Plaintiffs filed a motion to take judicial notice of the Genesee County Circuit Court's appointment of Next Friends and to order the same parallel relief in this Court (ECF No. 1365). On January 25, 2021, the Genesee County Circuit Court, the Honorable Joseph J. Farah, in Case No. 17-108646-NO, entered an order appointing any one of the following as Next Friend for any related Minor or LII, for the sole purposes of registering and pursuing a claim and recovery under the Amended Settlement Agreement: parent (natural or adoptive), grandparent, legal guardian, existing court-appointed representative, adult sibling (full, half, or step), or adult aunt or uncle. The Genesee

County Circuit Court also ordered the following requirements related to a Next Friend:

1. First, that any individual applying to represent the interest of a Minor or LII as Next Friend, must provide written notice to all other individuals who fall into the Next Friend categories listed in paragraph 2.

2. Second, that only one Next Friend can act for any one Minor or LII. For example, one parent can be appointed as Next Friend for a minor child or children, but both parents cannot be appointed as Next Friend for the same child or children. In this manner, the Genesee County Circuit Court and Claims Administrator need only look to one person as Next Friend for any particular Minor or LII.

3. Third, that there is no conflict if the Next Friend is also a Claimant under the Amended Settlement Agreement because separate Qualified Settlement Fund allocations exist for the Minors and Adults. In addition, this Court's and the Genesee County Circuit Court's oversight and approval of the entire Amended Settlement Agreement, including the methods of payment of Monetary Awards to Minors and LIIs, provide added protection against conflicts.

4. Fourth, that in order to act as a Next Friend an individual must identify themselves on the Registration Form as a Next Friend for a Minor or LII and provide proofs with, or prior to submitting, the Claim Form to the Claims Administrator that they are a: parent (natural or adoptive), grandparent, legal guardian, existing court-appointed representative, adult sibling (full, half, or step), or adult aunt or uncle, of the Minor or LII. Within forty-five (45) days of receipt of a Claim Form identifying a Next Friend for a Minor or LII, the Claims Administrator will send an Adverse Notice to any Next Friend that has failed to submit proofs necessary to demonstrate that they meet the requirements to act as a Next Friend for a Minor or LII. The Claims Administrator shall consult with the Special Master before issuing any such Adverse Notice.

5. Fifth, that an individual who has satisfied the aforementioned requirements and submitted the appropriate proofs be deemed appointed as a Next Friend.

6. Sixth, that once a Next Friend has been appointed they be authorized to execute, on behalf of a Minor or LII, trust agreements, structured settlement agreements, and any other agreements or documents necessary to accomplish full and final resolution of the matter

on behalf of the Claimant, as well as how the Monetary Awards should be received and managed on their behalf through providers who have been approved as part of the Settlement Program.

7. Seventh, that the Genesee County Circuit Court order that, as Next Friend, an individual can register and pursue claims and a recovery for a Minor or LII under the Amended Settlement Agreement.

8. Eighth, that a Next Friend may seek reconsideration or an appeal of any Adverse Notice issued by the Claims Administrator pursuant to a process to be set forth in the Amended Settlement Agreement.

9. Finally, that in the event of a dispute between two or more individuals seeking to act as Next Friend, the Master GAL may take action to secure consensual resolution among the potential Next Friends. If consensual resolution is not obtained, the Master GAL shall refer the matter to the Special Master along with a report of his or her findings and recommendation, who will take action as authorized by the Court. The Special Master's determination shall be final, binding, and nonappealable by any means.

Under Federal Rule of Evidence 201, this Court hereby takes judicial notice of these appointments subject to these requirements, and

by entry of this Order adopts the same requirements for cases in this Court.

IT IS SO ORDERED.

Dated: January 26, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 26, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager